

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MALCOLM HART,

Plaintiff,

-against-

MARY ELIZABETH FURMAN;
BRONISLAVA SHMAYENIK,

Defendants.

23-CV-7205 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff, who is appearing *pro se*, brings this action seeking to terminate the Income Withholding Order (IWO) authorizing collection of child support through his employer. The Court dismisses the complaint for the following reasons.

Plaintiff has previously submitted to this court a substantially similar complaint seeking the same relief on the same grounds. That case is presently pending under docket number 23-CV-4779 (LTS). As this complaint raises the same claims, no useful purpose would be served by litigating this duplicate lawsuit. Therefore, this complaint is dismissed without prejudice to Plaintiff's pending case under docket number 23-CV-4779 (LTS).¹

CONCLUSION

Plaintiff's complaint is dismissed as duplicative of his pending action under docket number 23-CV-4779 (LTS).

¹ In the case under docket number 23-CV-4779 (LTS), Plaintiff sues the Support Collection Unit's Director of Enforcement, Bronislava Shmayenik, and the New York City Department of Social Services. In this action, Plaintiff again sues Defendant Shmayenik, and also names "Child Support Representative" Mary Elizabeth Furman, who "rudely told [him] she can't do anything because of a court order." (ECF 1 at 5.) If Plaintiff intends to bring some claim in connection with his IWO that is not already included in his pending action under docket number 23-CV-4779 (LTS), he can file an amended complaint, as permitted under Rule 15 of the Federal Rules of Civil Procedure, in that action.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Clerk of Court is directed to enter judgment in this matter.

SO ORDERED.

Dated: October 19, 2023
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge